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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,221	12/20/1999	TAKUMI OKAUE	450100-4465.	2064
20999	7590	10/03/2002	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TAYLOR, LARRY D	
		ART UNIT	PAPER NUMBER	
		2876		

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/467,221	OKAUE ET AL.
Examiner	Art Unit	
Larry D Taylor	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02 January 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 19-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Receipt of Appeal Brief***

1. In view of the Appeal Brief filed on 2 January 2002, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) Request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US 5,428,579, of record), in view of Seibert (US 5,650,967).

Robinson discloses a memory card 110 for storing data transmitted from an external

apparatus 101 (see fig. 2; col. 1, lines 26-33; col. 5, lines 1-8; col. 5, line 62 – col. 6, line 2). A flash memory (EEPROM) is used for storing the data transmitted from the external apparatus (col. 5, lines 66-68). A switch 116 is settable to a state, which inhibits writing data into the flash memory. An interface 112 is used for transmitting data to and receiving data from the external apparatus 101. A control means (EEPROM) is used for controlling said memory card in accordance with an instruction transmitted from said external apparatus (col. 6, lines 15-22), the control means sending to the external apparatus 101 via the interface 112 the state of the switch 116 in response to an instruction transmitted thereto (col. 5, line 56 to col. 6, line 2).

The interface within the card includes nine connectors at least one of which transmits and receives data (figure 3, and col. 6, lines 27-34).

The external apparatus comprises a controller for writing data to or erasing data from the flash memory of the memory card (col. 5, lines 56-61), the controller transmitting an instruction to the memory card via the interface to determine whether a data writing operation to the flash memory of the memory card is inhibited (col. 7, line 57 to col. 8, line 5).

Robinson, however, fails to specifically teach the flash memory receiving the data and write instruction signal only after the state of the switch is found by the external apparatus as being in inhibition mode.

It is well known in the art to have such a method when writing to a flash memory, as described in Seibert. Seibert teaches a method for writing data to a flash memory, wherein before data is written to an address in flash memory 62, a controller 64 determines if the area is write protected. If not, a write enable signal is sent via line 54 to an external device and data is brought into the memory 62 by data bus 42 and writing block 72. If the area is protected, the

write enable signal is not sent and the data is not allowed into the data bus. It would have been obvious to one of ordinary skill to add such a feature of sending data when if the card is detected to be write-enabled, as it would allow the data to be sent to the card to remain in a secure position, to be only transferred if a write-enabling switch or signal is detected. This would prevent data from being unnecessarily transferred from an external device to the card, only to find the write-protect in effect, and have to travel back to the external device.

4. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. as modified by Seibert, in view of Jigour et al. (US 5,815,436). The teachings of Robinson as modified by Komatsu have been discussed.

Robinson as modified by Seibert fails to teach the memory card wherein the data is received from and transmitted to the external apparatus in serial form.

Jigour teaches memory cards (figure 23) wherein the data can be received from and transmitted to the external apparatus in parallel and/or serial form (col. 18, lines 38-53). Serial form of transmitting/receiving data is conventional in the art for cheaply transferring digital information one bit at a time in the order the values were stored during the initial entry. It would have been obvious to one of ordinary skill in the art of normal engineering practices to employ a device to receive data from and transmitted data to the external apparatus in serial form, as is taught by Jigour, in order to maintain low cost of data transfer between the memory card and the external device. Thus such a modification would have been an obvious expedient.

***Response to Arguments***

5. Applicant's arguments with respect to the existing have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that the arguments presented within the Appeal Brief place the application as a venue of reinstatement. However, the Office provides new grounds of rejection over the existing claims 19-24. Specifically, the art of Seibert have been presented as the teachings show the writing of data to a flash memory of a device only after a write enabling signal has been sent from the device to a data-writing device. Even though the teachings of Robinson do not specify this feature, it would have been obvious to add such in combination with Seibert.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Ihara et al. (US 5,576,987).

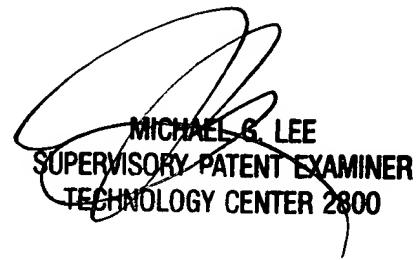
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703)-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-4784 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor  
September 30, 2002



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800